

In response, it is respectfully submitted that the statutes do not require Applicant to establish patentability of an unrejected claim, especially where the rejection is premised on unsupported Official Notice (see, e.g., claims 3, 6, etc.).

35 USC Sec. 102 provides that an Applicant is entitled to a patent "unless...." This places a burden of proof on the U.S. Patent and Trademark Office for withholding a patent. Citation of art as to some of the claims does not change the statutory burden as to other claims. Therefore, respectfully, to the extent that Sec. 1.111 requires an Applicant to establish patentability of an unrejected claim, especially a claim rejected not on cited art but on unsupported Official Notice, that rule exceeds the statutory authority of the U.S. Patent and Trademark Office.

Note that under the present circumstance, Applicant does not know what statutory basis the U.S. Patent and Trademark Office might use to apply cited art against the claims, and thus does not know whether a specific distinction should be made in the context of any or all of Secs. 102 and/or 103 or some other statute. Applicant does not know how Official Notice might be applied to the new claims, and indeed has previously requested a reference to support such Notice. Not knowing the complete evidentiary basis for a potential future rejection and not knowing the statutory basis for such rejection practically undermines the Applicant's ability to argue patentability.

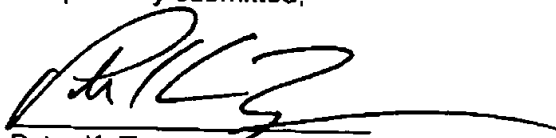
While all claims, new and old, mention a reward related to a mortgage, and such has not been shown in any of the art cited against the old claims, it is respectfully submitted that it is not practicable or statutorily appropriate to require an Applicant to argue patentability of an unrejected claim under unknown statutory application, and unsupported Official Notice.

The Commissioner is hereby authorized to charge any fees associated with the above-identified patent application or credit any overcharges to Deposit Account No. 50-0235, and if any extension of time or other petition is needed to reply to said office action and maintain

prosecution, this shall be deemed a petition therefor.

If the prosecution of this case can be in any way advanced by a telephone discussion, the Examiner is requested to call the undersigned at (312) 240-0824.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'P. Trzyna', with a long horizontal line extending to the right.

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